

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

GUSTAVO ROJO-MELENDEZ,

Defendant.

Case No. CR08-159-JLR

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on November 21, 2011. The defendant appeared pursuant to a warrant issued in this case. The United States was represented by Sarah Y. Vogel, and defendant was represented by Scott Engelhard. Also present was U.S. Probation Officer Sarah Moore. The proceedings were digitally recorded.

SENTENCE AND PRIOR ACTION

Defendant was sentenced on December 15, 2008 by the Honorable James L Robart for Possession with Intent to Distribute Cocaine. He received 19 months of detention and 3 years of supervised release.

On July 18, 2011, the Court revoked defendant's term of supervised release and imposed two months custody along with a new two year term of supervised release which included

1 participation in a residential reentry center (“RRC”) for up to 120 days. The revocation occurred
2 after Mr. Rojo-Melendrez admitted to violating the terms and conditions of his supervision.
3 Specifically, he violated by using marijuana, using cocaine, and for failing to pay towards his
4 \$100 special assessment. Defendant released from custody on August 19, 2011, and his new
5 term of supervised release commenced. Mr. Rojo-Melendrez entered the RRC in Tacoma,
6 Washington, the same date he released.

7 Mr. Rojo-Melendrez’ current term of supervised release is scheduled to expire on August
8 18, 2013.

9 **PRESENTLY ALLEGED VIOLATIONS**

10 In a petition dated November 7, 2011, U.S. Probation Officer Carol A. Chavez alleged that
11 defendant violated the following conditions of supervised release:

- 12 1. Committing the crime of VUCSA-Possession of Cocaine on or about October 14,
13 2011, in violation of the mandatory condition that he not commit a federal, state, or
14 local crime.
- 15 2. Failure to notify his probation officer of law enforcement contact within 72 hours,
16 in violation of standard condition #11.
- 17 3. Associating with persons engaged in criminal activity on or about October 14, 2011,
18 in violation of standard condition #9.

19 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

20 Defendant admitted the above violations, waived any hearing as to whether they occurred,
21 and was informed the matter would be set for a disposition hearing December 12, 2011 at 3:00
22 p.m. before District Judge James L. Robart.

1 **RECOMMENDED FINDINGS AND CONCLUSIONS**

2 Based upon the foregoing, I recommend the court find that defendant has violated the
3 conditions of his supervised release as alleged above, and conduct a disposition hearing.

4 DATED this 21st day of November, 2011.

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BRIAN A. TSUCHIDA
8 United States Magistrate Judge
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